



County of Los Angeles CHIEF EXECUTIVE OFFICE

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January 11, 2010

To: Supervisor Gloria Molina, Chair
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Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION TO SUPPORT THE STATE ATTORNEY GENERAL'S PETITION TO THE CALIFORNIA SUPREME COURT AND DISTRICT ATTORNEY'S EFFORTS TO SEEK NEW LEGISLATION TO REINSTATE THE BAN AND USE OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS (ITEM NO. 70-C AGENDA OF JANUARY 12, 2010)

Item No. 70-C on the January 12, 2010 Agenda is a motion by Supervisor Knabe recommending that the Board of Supervisors support the State Attorney General's and District Attorney's efforts in regards to the Second Appellate District Court of Appeal's decision to overturn California's ban on violent felons possessing body armor, and instruct County Counsel and the Chief Executive Office to contact the State Attorney General and support his petition with the filing of amicus briefs, if necessary; and assist the District Attorney's effort to seek new legislation to reinstate the ban and use or possession of body armor by violent felons.

AB 1710 (Chapter 298, Statutes of 1998), known as the James Guelff Body Armor Act of 1998, made it a felony for a person convicted of a violent felony, to own, possess or use body armor, as defined. The law was intended to protect police against flak-jacketed criminals such as Victor Lee Boutwell, who fatally shot San Francisco Officer James Guelff in November 1994 and wounded another officer before being killed in a shootout. Three years later, a bank robbery in North Hollywood led to a one-hour confrontation between two criminals shielded by full body armor and Los Angeles police officers. Congress passed a similar Federal law in 2002.

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On December 17, 2009, the California's ban was repealed by the Second Appellate District Court of Appeals. In response to the ruling, on December 29, 2009, State Attorney General Edmund G. Brown Jr. indicated in a news release that his office will petition the California Supreme Court to review the appeals court decision. On December 30, 2009, District Attorney Steve Cooley announced in a press release that his office has authored urgency legislation which would reinstate California's law banning possession of body armor by violent felons. According to the District Attorney, the ban on bulletproof vests was ruled unconstitutional because the definition of body armor was too vague. The District Attorney indicates his proposed legislation provides a straightforward, common sense definition of "body armor".

Because there is no existing Board policy regarding the reinstatement of State law banning use or possession of body armor by violent felons, support for this proposal is a matter for Board policy determination.

WTF:RA
MR:LY:er

c: Executive Office, Board of Supervisors
County Counsel